

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CYNTHIA S. GILLETTE, individually and  
derivatively on behalf of nominal defendant  
BLIMPIE OF CALIFORNIA, INC.,

Plaintiff,

07 Civ. 4697 (CLB)

v.

JEFFREY ENDERVELT, BELLE  
ENDERVELT and DORA RICCI,

Defendants,

and

BLIMPIE OF CALIFORNIA, INC.,

Nominal Defendant.

-----X

**ORDER GRANTING PLAINTIFF'S MOTION FOR THE APPOINTMENT OF A  
GUARDIAN AD LITEM**

Upon the motion dated January 3, 2008 of Cynthia S. Gillette ("Gillette"), individually and derivatively on behalf of nominal defendant Blimpie of California, Inc. ("BOC") (collectively, "Plaintiff"), for an order pursuant to Fed. R. Civ. P. 17(c), appointing a guardian ad litem to represent defendant Belle Endervelt (the "Motion"), the papers submitted by Plaintiff in support thereof, the papers submitted by defendants Jeffrey Endervelt, Belle Endervelt, and Dora Ricci (collectively, "Defendants") in opposition thereto; and a hearing having been held on February 8, 2008 (the "Hearing"), at which all parties were permitted to present their arguments and contentions; and for the reasons set forth on the record at the Hearing, it is hereby

ORDERED that the Motion is granted;

ORDERED that the Court appoints MARRIANNE O'LORE, Esq. <sup>Katonia, NY</sup> as guardian ad litem for  
defendant Belle Endervelt; and <sup>in this litigation</sup>

ORDERED that BOC shall post a bond in the amount of eighty thousand dollars  
(\$80,000.00). <sup>within ten days</sup>

<sup>White Plains, NY</sup>  
Dated: February 19, 2008

Charles L. Briant  
The Honorable Charles L. Briant  
United States District Judge